

Serial No. 09/678,762

- 2 -

Art Unit: 2154

The cited combination does not suggest the claimed invention

All of the claim rejections are based on Skirmont (USP 6,252,848) in view of Elwalid (USP 5,978,356). Each of the independent claims distinguishes the cited combination by reciting that the two separate packet drop functions are related to achieve a predetermined fairness. The Office asserts that Elwalid teaches a plurality of input sources belonging to different classes which share a communications trunk, wherein each class is separately regulated. Further, the Office asserts that it would be obvious that the drop rate of Skirmont's independently queued traffic would need to be adjusted not only when queue size is changed, but also when traffic sources are added or dropped, and the latter shows interrelation because it is necessary to adjust the drop rate of at least one source to achieve close to 100% utilization. Assuming all of the Office's assertions are correct, which Applicant does not concede, the independent claims still distinguish the cited combination because the claimed drop functions are related to achieve a predetermined fairness between the different classes of traffic.

As discussed on page 10, lines 11-19, wherein support for the amendments to the claims is found, the operating points may move along their curves at constant rates, or one operating point may lag the other operating point, or one operating point may move a set amount faster along its curve, or some other relationship may be defined to ensure that bandwidth may be utilized fairly by each buffer. Simply reallocating bandwidth from one queue to another queue to achieve higher utilization as asserted by the Office does not result in fairness. Indeed, that strategy is an example of unfairness because the adjustments are inversely related. Consequently, claim 1 distinguished the cited combination by reciting "modifying at least one of the first average drop rate and the second average drop rate if such two drop average rates do not comply with a predefined fairness relationship." Similarly, claim 13 distinguishes the cited combination by reciting "a modifier

Serial No. 09/678,762

- 3 -

Art Unit: 2154

module operatively coupled with the first buffer and the second buffer, the modifier module modifying at least one of the first average drop rate and the second average drop rate if such two average drop rates do not comply with a predefined fairness relationship.” Claim 25 distinguishes the cited combination by reciting “program code for modifying at least one of the first average drop rate and the second average drop rate if such two average drop rates do not comply with a predefined fairness relationship.” Claim 37 distinguishes the cited combination by reciting “the loss sensitive packet drop function and the delay sensitive packet drop function being different and related to achieve a predetermined fairness.” Claim 43 distinguishes the cited combination by reciting “said delay sensitive packet drop function being related to said loss sensitive packet drop function to achieve a predetermined fairness.” Claim 49 distinguishes the cited combination by reciting “the loss sensitive packet drop function and the delay sensitive packet drop function being different and related to achieve a predetermined fairness.” Finally, claim 56 distinguishes the cited combination by reciting “a modifier module operatively coupled with the first buffer and the second buffer, the modifier module modifying at least one of the first average drop rate and the second average drop rate if such two drop rates do not comply with the predefined fairness relationship.” The dependent claims stand or fall with their respective independent claims, and Applicant is in agreement with the Office that the dependent claims indicated to be allowable are indeed allowable. Hence, Applicant respectfully requests that the rejections of claims 1-58 be withdrawn.

Serial No. 09/678,762

- 4 -

Art Unit: 2154

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Holmes W. Anderson, Applicants' Attorney at 978-264-6664 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

25 May, 2004

Date

H. W. A.

Holmes W. Anderson, Reg. No. 37,272
Attorney/Agent for Applicant(s)
Steubing McGuinness & Manaras LLP
125 Nagog Park Drive
Acton, MA 01720
(978) 264-6664

Docket No. 120-196
Dd: 5/26/2004